

REMARKS

Favorable consideration and allowance are respectfully requested for claims 3, 4, 6, 7 and 10-24 in view of the foregoing amendments and the following remarks. Claims 1, 2, 5, 8 and 9 have been cancelled, claims 3, 4, 6, 7 and 10 have been amended, and claims 19-24 have been added by way of the present amendment.

The Office Action indicates that a new oath, declaration or application data sheet is required identifying the present application by application number and filing date. The Office Action also states that the application data sheet reflects an incorrect foreign application number for the application filed January 31, 2003. Applicants respectfully refer the Examiner to the Supplemental Application Data Sheet submitted on November 29, 2005 which addresses these errors. A copy of this data sheet is attached hereto for the convenience of the Examiner. Reconsideration and withdrawal of this requirement are respectfully requested.

Applicants submit herewith a replacement Abstract to overcome the Examiner's objection to the abstract not complying with 37 C.F.R. § 1.72(b). Although the basis for the objection to the abstract is not specifically identified in the Office Action, the abstract is amended to put it in form consistent with standard U.S. practice. Reconsideration and withdrawal of this objection are respectfully requested.

With regard to the objection to the specification, Applicants would like to direct the Examiner to page 11, lines 17-20 of the specification wherein the limitation of claim 13 "wherein the second monomer contains an acid-labile protecting group" is supported. Reconsideration and withdrawal of this objection are respectfully requested.

The rejection of claims 1, 2, 5, 9 and 10 under 35 U.S.C. § 102(b) over Wall et al. (3,371,064) is respectfully traversed, as is the rejection of claims 1, 2, 5 and 9 under 35 U.S.C. § 102(b) over McClelland et al. (J. Org. Chem., 45(1):187-189, 1980).

Claims 1, 2, 5 and 9 are cancelled by this amendment. Claim 10 is amended to depend from claim 3 rather than claim 1. Accordingly, these rejections are rendered moot and withdrawal thereof is respectfully requested.

The rejection of claims 1, 2, 4, 8-13 and 18 under 35 U.S.C. § 102(e) over DiPietro et al. (2004/0214102 A1) is respectfully traversed. The rejection of claims 1, 3 and 7 under 35 U.S.C. § 103(a) over DiPietro et al. (2004/0214102 A1) is also respectfully traversed.

The Japanese priority applications to which the present application claims benefit were filed before the April 25, 2003 filing date of the DiPietro et al. reference. Thus, the present application is entitled to a priority date which predates the filing of the application that resulted in the DiPietro et al. reference. Certified English-language translations of the priority documents will be filed in due course. As such, DiPietro et al. is not prior art to the present application. Reconsideration and withdrawal of these rejections are therefore respectfully requested

The obviousness-type double patenting rejection over U.S. Patent No. 6,858,760 is respectfully traversed. A terminal disclaimer is provided herewith obviating the rejection. No admission is made with respect to whether the rejection is otherwise proper. Withdrawal of this rejection is respectfully requested.

CONCLUSION

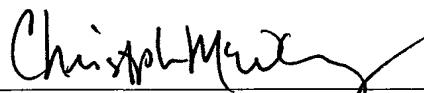
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #038788.56253US).

Respectfully submitted,

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